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August 3, 2022

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VIA CM/ECF

The Honorable James Donato, U.S. District Judge  
U.S. District Court, Northern District of California  
450 Golden Gate Ave  
San Francisco, CA 94102

Re: *In re: Google Play Store Antitrust Litigation*, No. 3:21-md-02981-JD  
*State of Utah et al. v. Google LLC et al.*, Case No. 3:21-cv-05227-JD

To The Honorable James Donato:

Google submits this statement in response to the State Attorneys General Plaintiffs and Consumer Plaintiffs' request for a one month-extension of the fact discovery cut-off and expert disclosure deadlines.<sup>1</sup> Google understands that Plaintiff Epic does not oppose this request but insists that it should be accomplished without moving the trial date. Google also understands that Plaintiff Match Group may submit its own, separate scheduling proposal. Google will address that proposal if and when Match presents it to the Court.

Google does not oppose State AGs and Consumer Plaintiffs' request to modify the schedule, so long as the modified schedule accounts for the following considerations:

**First**, the Court should preserve the single trial provided for by the existing schedule. It would be inefficient and prejudicial to subject Google to multiple trials on the same antitrust theories and claims. As the Court previously explained: "That doesn't make any sense. . . . That's not going to happen." Hr'g Tr. 21:9-19 (Dec. 16, 2021).

**Second**, any revised schedule should preserve at least the same amount of time between interim pre-trial dates and trial as provided for by the current schedule. If, for example, the Court grants Plaintiffs an additional 30 days to submit opening expert reports, then other dates, including the date for Google's expert reports and the trial date, should be extended by at least a similar period. The gaps between interim deadlines in the existing schedule are already very short. As a result, it is not feasible to change the deadline for opening expert disclosures without changing other dates, including the trial date. If the Court is inclined to accommodate State AGs and Consumers' request for a revised schedule, Google is prepared to meet and confer with Plaintiffs to propose dates for the Court's consideration.

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<sup>1</sup> Google submits this letter in response to State and Consumer Plaintiffs' *Letter from Brendan Glackin to Hon. James Donato re: Case Schedule*, MDL ECF 307, in an abundance of caution and in the event the Court prefers to consider these issues by letter. If the Court prefers Plaintiffs file a motion, Google would be happy to submit appropriate briefing in response.

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**Third**, if the Court provides the parties additional time for fact discovery, that time should be limited to *completing* discovery that is already underway—the parties should not be permitted to begin new rounds of discovery at this late stage. Google understands from discussions with the State AGs and Consumers that they agree with Google on this point.

In the event the Court is unable to accommodate State AGs and Consumers' request for a schedule modification by moving the trial date and preserving a single trial, Google submits that the Court should maintain the current schedule. The discovery that remains to be completed is either the result of requests that were raised towards the end of fact discovery or depositions that are proceeding after August 8 by mutual agreement, including because Match Group recently requested additional documents from certain deponents' files.<sup>2</sup> Google believes that this discovery can be completed without the need to extend the deadline for expert reports or subsequent dates.

Dated: August 3, 2022

Respectfully submitted,

By: /s/ Kuruvilla Olasa  
Kuruvilla Olasa

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<sup>2</sup> The parties had agreed that for reasons of efficiency, completion of document production, or witness availability, certain depositions could be scheduled after August 8. Before receiving Consumer Plaintiffs and State AGs' request for a scheduling extension, Google was preparing a stipulation for the Court's consideration and approval.

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**Certificate Pursuant to Local Rule 5-1(h)(3)**

I, Kuruvilla Olasa, am the ECF User whose credentials are being used to file Letter from Kuruvilla Olasa to Hon. James Donato re: Case Schedule, dated August 3, 2022. In compliance with Local Rule 5-1(h)(3), I hereby attest that counsel for Defendants have concurred in this filing.

Dated: August 3, 2022

By: /s/ Kuruvilla Olasa  
Kuruvilla Olasa